

BEFORE THE JUDICIAL QUALIFICATIONS COMMISSION
STATE OF FLORIDA
CASE NO.: 03-14

INQUIRY CONCERNING JUDGE SUPREME CT. CASE NO. SC04-1
JAMES E. HENSON;

ORDER ON PRE-HEARING CONFERENCE

This matter was considered at prehearing conferences on September 17 and September 30, 2004. Judge Henson was represented by attorney Kirk Kirkconnell and the Investigative Panel was represented by attorney Lanny Russell. The following rulings shall control the hearing.

The Motion to Dismiss based on subject matter jurisdiction is denied.

There is evidence concerning certain uncharged conduct and the defense Motion in Limine as to such evidence is granted with consent of Lanny Russell. If any of this evidence becomes relevant as impeachment, it will be dealt with at the hearing.

The Motion for Summary Judgment by Judge Henson is denied.

The incompetent representation charges have been abandoned by the Investigative Panel and will not be a basis for presented evidence.

The objections to all of the Florida Bar documents are sustained and all Florida Bar document and letters are excluded.

A ruling on Exhibit #11 is withheld. Exhibits #14 and #17 have been withdrawn by the Investigative Panel. The Motion to Strike and Unnamed Witness is considered to be moot and not ruled upon.

Testimony will be presented through the use of video depositions and the following rulings apply to these depositions.

1. The following portions of the video deposition of Diana M. Jimenez taken on April 13, 2004 will be received into evidence and shown at hearing:

Pages 4-17
Page 18, lines 15-25
Page 19, lines 1-24
Page 20, lines 4-25
Pages 21, lines 1-11 and 17-25
Pages 22-27
Page 28, lines 6-25
Page 29
Page 30, lines 1-16
Page 33, lines 5-25
Page 34, lines 1-9
Page 37
Page 38, lines 1-2
Page 41, lines 16-25
Page 42, lines 1-13
Page 43, lines 12-17
Page 45, lines 22-25
Page 46, lines 1-16
Page 52, lines 13-24
Page 53, lines 1-21
Page 54, lines 23-25
Page 55, lines 1-6
Page 61, lines 22-25
Page 62
Page 63, lines 1-21
Page 68, lines 3-25
Pages 69-72
Page 73, lines 1-7

Page 74, lines 18-25
Page 75, lines 1-18
Page 77, lines 6-25
Pages 78-80
Page 81, lines 1-20
Page 82, lines 24-25
Page 83, lines 1-9
Page 86, lines 12-20
Page 91, lines 3-10

2. The following portions of the video deposition of Dr. Alberto Jimenez taken on August 26, 2004 will be received into evidence and shown at hearing:

Pages 3-9

Page 10, lines 1-21 and portion of line 22 (Awhat he advise me.@)

Page 11, portion of line 1 (AThen I advise him what was B what was to do.@), lines 2-4, and lines 19-25

Page 12

Page 13, lines 1-10

Page 15, lines 12-13

Page 16, lines 10-25

Pages 17-23

Page 24, lines 1-18

Page 25, lines 9-25

Pages 26-27

Page 28, lines 1-2

Page 29, lines 13-25

Pages 30-41

Page 42, lines 1-13

Page 45, lines 13-25

Pages 46-47

Page 48, lines 1-5

Page 53, lines 23-25

Page 54, lines 1-4 and 7-25

Page 55, lines 1-25

Page 56, lines 24-25

Page 57-59

Page 60, lines 1-3

Page 61, line 25

Pages 62-63

Page 64, lines 1-7

Page 66, lines 13-25

Page 67

Page 68, lines 1-19

Page 69, lines 11-25

Page 70, line 1

Page 71
Page 72, lines 1-3 and 17-25
Page 73, lines 1-16
Page 77, lines 8-25
Page 78, lines 1-2
Page 79, lines 2-25
Page 80
Page 82, lines 19-25
Page 83, lines 1-22
Pages 85-87
Page 88
Page 89, lines 1-16
Page 90, lines 24-25
Page 91
Page 92, lines 2-23
Page 102, lines 11-21
Page 119, lines 6-25
Page 120
Page 121, lines 1-22
Page 126, lines 15-25
Page 127
Page 128, lines 1-13
Page 131, lines 4-12

This case remains scheduled for hearing in Courtroom 19D of the Orange County Courthouse in Orlando, Florida. The hearing will begin at 9:00 a.m. on October 12, 2004.

DONE AND ORDERED this 5th day of October, 2004.

**FLORIDA JUDICIAL QUALIFICATIONS
COMMISSION**

By: /s/ James R. Wolf
JUDGE JAMES R. WOLF,
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